



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,721	08/31/2001	Dennis A. Quan JR.	POU920010121US1	1719

23334 7590 12/13/2004

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>09/944,721</p>	<p>Applicant(s)</p> <p>QUAN, DENNIS A.</p>	
	<p>Examiner</p> <p>Truc T Chuong</p>	<p>Art Unit</p> <p>2179</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/31/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/31/01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term "may be" in claim 1 at line 6 is a relative term which renders the claim indefinite. The term "may be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Regarding claim 1, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Examiner will interpret the phrase as "or" when rejecting the claims.

Claim 3 recites the limitation "a UI" at lines 4-5. There is insufficient antecedent basis for this limitation in the claim. It means that there is a different UI than the UI that has been mentioned in claim 1 at line 6.

Applicant needs to consider other claims for the similar problems.

All other claims are also rejected because of their dependency.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. (U.S. Patent No. 5,920,316).

As to claim 1, Oran teaches a method for presenting zero or more User Interface (UI) objects as pad of a UI on an information processing system, the method comprising:

associating an associative array with one or more entries to each of a plurality of UI objects that may be presented as part of a UI (fig. 14 shows “Taskbar Options” and “Start Menu Programs 78”, and the array is listing a plurality of UI objects (elements 82, 84, 86, 88, etc.) as part of the display 30, e.g., col. 8 line 54-col. 9 line 11, and figs. 14, 15A-C & 20);

presenting at least one UI object based on a state of at least one global context flag for the UI (elements 86, 88, 90, etc. of figs. 14, 15A-C show as the context flags to change/alter the display/layout of the UI objects on the UI, e.g., col. 8 line 54-col. 9 line 11);

receiving a response from an end-user to the presentation of the at least one UI object and/or receiving an event-based trigger (elements 86, 88, 90, etc. of figs. 14, 15A-C show as the context flags to change/alter the display/layout of the UI objects on the UI, e.g., col. 8 line 54-col. 9 line 11);

Art Unit: 2179

altering the state of the global context flag label based on the response from the end-user (the user can select different choices by turning on/off the flags, e.g., col. 9 lines 1-39, and figs. 14-15C);

performing a Boolean comparison between the global context flag and one or more of the entries of in the associative array for each of the UI objects (the system will automatically determine whether the object(s) to be displayed on the screen or not based on the user's sections or changing the flags to on/off or Y/N, e.g., col. 11 lines 1-39, and figs. 14-15C & 20); and

presenting zero or more the plurality of UI objects as part of the UI to the end-user based upon a result of the Boolean comparison (from concept as mentioned above, the some or all object(s) can be hidden/taken away from the screen, i.e., Auto hide or Show Clock is selected, e.g., figs. 14-15C).

As to claim 2, Oran teaches the method according to claim 1, wherein the step of presenting to an end-user the at least one UI object further comprising at least one of the following:

presenting a visual image (Show Clock, e.g., figs. 14-15C);

creating a vibration;

playing a sound;

emitting a scent; and

emitting a taste.

As to claim 3, Oran teaches the method according to claim 1, wherein the step of associating an associative array with one or more entries to each of a plurality of UI objects that may be presented as part of a UI includes associating an associative array with zero or more

Art Unit: 2179

entries to each of a plurality of UI objects that may be presented as part of a UI by retrieving the associative array from a file when an application using the UI is loading (e.g., col. 8 line 54-col. 9 line 11, and figs. 14, 15A-C & 20).

As to claim 4, Oran teaches the method according to claim 1, wherein the global context flags are changed after the application using the UI receives any input from:

an end-user comprising an input from a group of input devices consisting of a keyboard, mouse (Windows is using keyboard and mouse, e.g., col. 5 lines 21-25), pointing device, digitizing pen, light pen, track ball, touch screen, motion detector, chemical sensor, sound sensor, and eye movement sensor.

As to claim 5, Oran teaches the method according to claim 1, wherein the global context flags are changed after the application using the UI receives an event-based trigger from one or the following events:

a time event comprising an input from a time of day or elapsed time; and

an information processing system event comprising a file status (fig. 20 shows applications or programs can be changed the status by adding/removing), a printing status, a modem status or a power supply status.

As to claim 6, Oran teaches the method according to claim 1, wherein the step of performing a Boolean operation is selected from the group of Boolean operations consisting of "AND", "OR" and "XOR" (figs. 14-15C disclose more than one of the selection flags can be chosen such as Auto hide and Show small icons in Start menu at the same time, or none of the flags is selected).

Art Unit: 2179

As to claim 7, Oran teaches the method according to claim 1, wherein the step of associating one or more attributes to each of a plurality of UI objects from a table so that any changes in the table can be made without recompiling and/or re-linking an application using the UI (the changes are affected simultaneously when the user selects the flags without recompiling Windows or any applications, e.g., col. 8 line 54-col. 9 line 11, and figs. 14, 15A-C & 20).

As to claims 8-10, they are system claims of method claims 1, 4, and 2. Note the rejections of claims 1, 4, and 2 above respectively.

As to claims 11-17, they are program product claims of method claims 1-7. Note the rejections of claims 1-7 above respectively.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boulton et al. (U.S. Patent No. 5,537,618) teach flags, arrays, alter controls, and GUI (cols. 4-54 and figs. 2-19, 28-30).

Foreman et al. (U.S. Patent No. 6,469,711 B2) teach arrays, flags, UI objects, and Boolean operations (cols. 2-14 and figs. 5-13).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.


Art Unit: 2179

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

12/08/04


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100